

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALONZO HODGES,)
)
Petitioner,)
)
v.) Civil Action No. 05-1728
) Judge Schwab
HARRY E. WILSON, <i>et al.</i>) Magistrate Judge Caiazza
)
Respondents.)

MEMORANDUM ORDER

Alonzo Hodges' Petition for Writ of Habeas Corpus was received by the Clerk of Court on December 5, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on October 18, 2006, recommended that recommended that the Petition for Writ of Habeas Corpus filed by Alonzo Hodges be dismissed and that a certificate of appealability be denied.

The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Intuition at Fayette, Frackville, Pennsylvania, where he is incarcerated and on the Defendant. Objections were filed by the Plaintiff on November 6, 2006.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 15th day of November, 2006,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Alonzo Hodges is dismissed and that a certificate of appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 24), dated October 18, 2006, is adopted as the opinion of the court.

s/Arthur J. Schwab

Arthur J. Schwab
U.S. District Judge

cc:
ALONZO HODGES,DA-2951
SCI Fayette
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All parties of record.